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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,105	08/21/2007	Mansour Samadpour	66090-005US0	3428

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EXAMINER

JOYNER, KEVIN

ART UNIT	PAPER NUMBER
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1773

MAIL DATE	DELIVERY MODE
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10/07/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/584,105	Applicant(s) SAMADPOUR, MANSOUR	
	Examiner KEVIN C. JOYNER	Art Unit 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 22-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I in the reply filed on August 23, 2010 is acknowledged. The traversal is on the ground(s) that previously restricted claims 11-21 have now been amended to depend from claim 1. The traversal is found persuasive and therefore, claims 11-21 will be rejoined with claims 1-10. Concerning claims 22-30, because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Claims 22-30 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on August 23, 2010.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 12, 13, 20 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claims 12, 13, 20 and 21 recite the limitation "the adherent sacrificial composition". There is insufficient antecedent basis for this limitation in these claims. It

is suggested that the Applicant amend to, "the adherent antimicrobial barrier composition". Appropriate action is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker, Jr. et al. (U.S. Patent No. 6, 635,676) in view of Beerse et al. (U.S. Patent No. 6,294,186).

Baker discloses a method of reducing or preventing transfer of contamination from a contaminated surface, comprising coating a contaminated surface with an adherent antimicrobial barrier composition (column 12, lines 1-13; column 13, lines 12-25; column 14, lines 1-15; column 40, line 50 to column 41, line 25), comprising;

A gelling agent (column 41, lines 1-15);

From about 1-5% of lecithin (concerning claim 4; column 27, lines 35-50)

From about 1-5% of Tween 80 (column 23, lines 46-53; concerning claim 5); and

From about 0.1-15% of cetylpyridinium chloride (concerning claim 6; column 22, lines 40-45), whereby transfer of contamination from the surface is reduced or precluded (column 3, lines 1-45).

Baker does not appear to disclose that the gelling or thickening agent comprises sodium alginate at a percentage of 0.1-4 of the total composition. Beerse discloses a method for reducing the transfer of contamination from a contaminated surface by coating the surface with an adherent antimicrobial barrier composition (column 1, line 56 to column 2, lines 13; column 3, lines 49-62). The reference continues to disclose that the composition comprises an emulsifier (column 15, lines 1-6), a surfactant (column 12, lines 9-12), an antimicrobial agent (column 20, lines 35-43), and a gelling or thickening agent comprising sodium alginate at a percentage of about 3% (concerning claim 3; column 9, lines 55-65; column 10, lines 39-43) in order to allow said composition to form into a gel for greater adhering properties (column 9, lines 55-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize approximately 3% sodium alginate in the composition of Baker in order to allow said composition to form into a gel for greater adhering properties as exemplified by Beerse.

Concerning claim 2, Baker continues to disclose that the composition comprises from about 0.1-15% ethanol (column 22, lines 40-59). With regard to claim 7, Baker also discloses that the antimicrobial agent is an alcohol (column 23, lines 25-48). Concerning claims 8 and 9, the reference also discloses that the composition is heated to greater than 80 degrees Celsius prior to coating, wherein such heating is an antimicrobial agent (column 30, lines 45-50). With regard to claim 10, Baker discloses that the composition is one of a liquid or a gel (column 39, lines 25-50).

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8. Claims 11-21 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker, Jr. et al. (U.S. Patent No. 6, 635,676) in view of Beerse et al. (U.S. Patent No. 6,294,186) as applied to claim 1 above, and further in view of Iwai (U.S. Publication No. 2003/0100254).

Baker is relied upon as set forth above. While Baker discloses that the composition can be coated onto a target surface in a food process industry, and/or the equipment in the food process industry, Baker does not appear to specifically disclose that the composition is coated onto the target surface prior to cutting through the target surface, or that a cutting element is utilized in a food process industry. Iwai discloses a method for reducing or preventing transfer of contamination from a contaminated surface, comprising coating a contaminated surface with an antimicrobial composition (paragraphs 13 and 26-31; Figure 1). The reference continues to disclose that the surface is coated prior to cutting through said surface with the antimicrobial composition to provide a sacrificial layer that is partially transferable between the surface and the cutting implement during cutting; and further discloses cutting through the layer on the surface with the cutting implement to provide a protective layer to the cutting implement surface in order to ensure that a target surface such as meat is completely sterilized before being distributed (paragraphs 37-40, 46 and 47; Figure 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to coat the surface prior to cutting the surface with the antimicrobial composition to provide a sacrificial layer that is partially transferable between the surface and a cutting implement during cutting; and cutting through the layer on the surface with the cutting implement to

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provide a protective layer to the cutting implement surface in order to ensure that a target surface such as meat is completely sterilized before being distributed as exemplified by Iwai. Regarding claim 31, since Baker discloses that the equipment in the food processing industry will be coated as well (column 41, lines 1-65), wherein Iwai discloses that a cutting element is a piece of equipment in a food processing industry, then the limitations of claim 31 will be met by Baker in view of Iwai. Concerning claims 12- 21, these limitations are met with respect to Baker in view of Beerse as disclosed above. Therefore, the explanations are relied upon as necessary.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN C. JOYNER whose telephone number is (571)272-2709. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on (571) 272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin C Joyner/
Examiner, Art Unit 1797